of servants employed was insufficient to do the work. The authorities have answered in the affirmative in the great majority of cases, considering a sufficient number of workmen collectively as an appliance or instrumentality which the master is bound to make safe. *Jones* v. *Old Dominion Cotton Mills,* 82 Va. 140; *Mad River etc. R. R. Co.* v. *Barber,* 5 Oh. St. 541; *Booth* v. *Boston etc. R. R. Co.,* 73 N. Y. 38. Very seldom in this country, however, has it been determined that an individual laborer, isolated from the body of workmen, is to be considered an appliance or within the clear meaning of that term. *Flike* v. *Boston & Albany R. R. Co.,* 53 N. Y. 549; *Laning* v. *New York Central R. R. Co.,* 49 N. Y. 521; *Whaley* v. *Bartlett,* 42 S. C. 454; *Ohio etc. R. R. Co.* v. *Collarn,* 73 Ind. 261. If such a view is widely adopted, it will be interesting to note to what extent it will affect the defences of contributory negligence and the fellow-servant doctrine under the comparatively recent Compensation and Safety Appliance legislation.

MONOPOLY—COPYRIGHT ACT—SHERMAN ACT.—The plaintiffs conducted a department store in New York City, a large department of which was devoted to books, magazines and pamphlets, and because of their superior business methods they were able to undersell other retail stores. The American Publishers' Association, comprising 75% of the publishers of copyright books, and the American Booksellers' Association, which was composed of practically all the large book dealers, agreed to maintain the prices of books in the trade and to prevent the selling of books to retailers who would undercut the price sought to be maintained by this combination. The plaintiffs continued to cut the prices fixed by this combination, and the defendants, through the means of the aforesaid associations, by various methods made it impossible for plaintiffs to obtain books in the ordinary course of business. The plaintiffs asked that defendants be enjoined from interfering with the purchase and sale of copyright books by the plaintiff; it having been already determined that the agreement as to uncopyrighted books was illegal. *Held,* that the injunction should be granted as the Copyright Act did not take this agreement out of the operation of the Sherman Act. *Straus* v. *American Publishers' Association,* 34 Sup. Ct. 84.

The Sherman Act has a twofold purpose, to permit commerce to flow in its natural course unrestricted and to give to the public the benefits arising from competition. *U. S.* v. *Hopkins,* 82 Fed. 529. The agreements between publishers and sellers in the principal case, not the Copyright Act, created the monopoly which violated the Sherman Act. *U. S. Shoe Machinery Co.* v. *La Chapelle,* 212 Mass. 467, 99 N. E. 289. It seems that a monopoly arising from the Copyright Act alone would be unobjectionable, for the monopoly arising from a patent itself has been declared legal, and is only limited when articles become affected with a public use. *Chesapeake etc. Tel. Co.* v. *Telegraph Co.,* 66 Md. 399. With reference to patents, the owners of different patents in agreeing to restrict competition between themselves are acting beyond those powers conferred upon them by the patent statute. *Nat'l Harrow Co.* v. *Hench,* 83 Fed. 36; *Blount Mfg. Co.* v. *Yale & Towne Mfg. Co.,* 166 Fed. 555, although the contrary is held in *U. S. etc. Seeded Raisin Co.*

v. *Griffin & Skelley Co.*, 126 Fed. 364, 61 C. C. A. 334, due to a misconception of the holding in *Bement* v. *Nat'l Harrow Co.*, 186 U. S. 70. In view of *Bobbs-Merrill Co.* v. *Straus*, 210 U. S. 339, 52 L. ed. 1086, 28 Sup. Ct. 722, that the owner of a copyright could not control the resale price and also because of a like holding in *Bauer & Cie* v. *O'Donnell*, 229 U. S. 1, 57 L. ed. 1045, 33 Sup. Ct. 616; 12 MICH. LAW REV. 394, that a patentee could not control the resale price of a patented article, although these cases seem in conflict with *Henry* v. *Dick*, 224 U. S. 1, 56 L. Ed. 645, 32 Sup. Ct. 364; 10 MICH. LAW REV. 579, it is impossible to see how a different conclusion could have been reached in the principal case.

MUNICIPAL CORPORATIONS—CONSTITUTIONAL AND STATUTORY PROVISIONS CONCERNING POLICE POWER.—The legislature enacted a statute creating the office of state fire marshal, authorizing the governor to appoint the incumbent thereof. The act empowered such marshal to investigate the cause and surrounding circumstances of every fire in any city, to search for incendiarism, to direct the chiefs of city fire departments in making such investigation, and to order the repair and removal of dangerous and dilapidated buildings. The state constitution provided that "the electors of the city of New Orleans * * * shall have the right to choose the public officers, who shall be charged with the exercise of the police power and with the administration of the affairs of said corporations in whole or in part." *Held*, by a divided court, that the statute in question violated the constitutional provision just mentioned. *State* v. *LaFayette Fire Ins. Co.*, (La. 1913), 63 So. 630.

The theory of the minority decision was that the constitutional provision referred only to the police administration of the city, and did not affect the exercise of the general police power of the state; that part of the statute, at least, referred to a felony—arson—over which the municipality had no jurisdiction. Nor is this theory entirely without merit. In *State* v. *Flower et al.*, 49 La. Ann. 1199, 22 So. 623, wherein an article of an earlier constitution, similar to the one under discussion, was construed, the court said: "The attribute of government we call the police power, resides in the State, can not be relinquished by the Legislature, and if it can be surrendered by the organic law, at least, the abandonment to command judicial acceptance should find the clearest expression. * * * It has never been supposed that the State has parted with all legislative control of such subjects (drainage) by the provision in the Constitution giving to the citizens of New Orleans the appointment of the officers required for the police administration of the city. The police power given to the state, * * * we can not appreciate, is to be abridged by a constitutional provision dealing with the ordinary functions of the police administration of the city, and confiding such duties to the agents selected by the citizens." Moreover, in discussions of the right of local self-government, it is recognized that "the maintenance of peace and quiet, and the suppression of crime and immorality, are matters of general interest, and to the attainment of these ends the cities and towns are largely subject to legislative control." *Arnett* v. *State ex rel.*, 168 Ind. 180, 80 N. E. 153. Yet where,